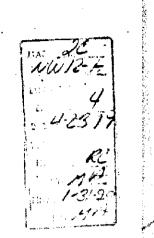
PETITION FCR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

INT.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:



Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

County.	
Contract Purchaser:	Legal Owner(s):
•	H.L.B. Joint Ventures
(Type or Print Name)	Barry Stein Just Vinture
Signature	Signature
Street or Box	Barry Stern, Joint Menturer (Type or Print Name)
City and State	Signature
Attorney for Petitioner:	•
	1220 E. Joppa Road
(Type or Print Name)	Street or Box
	Towson, Maryland 21204
Signature	City and State
	Name and telephone number of legal owner, con-
Street or Box	tract purchaser or representative to be contacted
	Barry Stern
City and State	Name .
Add a man a same a No.	828-1000
Attorney's Telephone No.:	Telephone No.

: BEFORE THE COUNTY BOARD OF APPEALS RE: PETITION FOR RECLASSIFICATION from D.R. 3.5 to B.L. SW/C Reisterstown Rd. and OF BALTIMORE COUNTY South Tollgate Rd., 4th District

: Case No. R-80-66 H L B JOINT VENTURES, Petitioner

ORDER TO ENTER APPEARANCE

Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman Deputy People's Counsel

John W. Hessian, III People's Counse! County Office Building Towson, Maryland 21204 494-2188

THIS IS TO CERTIFY that on this 20th day of September, 1979, a copy of the aforegoing Order was mailed to Mr. Barry Stern, c/o H L B Joint Ventures, 1220 East Joppa Road, Towson, Maryland 21204, Petitioner.

John W. Hessian, III

08

BEFORE RE: PETITION FOR RECLASSIFICATION from D.R. 3.5 to B.L. COUNTY BOARD OF APPEALS SW corner of Reisterstown Road and Tollgate Road 4th District BALTIMORE COUNTY H L B Joint Ventures Petitioner No. R-80-66 OPINION

This case is a request for a reclassification of 0.32 acres from an existing D.R. 3.5 zone to a B.L.-C.N.S zone. The subject property is located on the southwest corner of Reisterstown Road and Tollgate Road, in the Fourth Election District of Baltimore County.

The only witness presented was James G. Hoswell, a planner with the Baltimore County Office of Planning and Zoning. Mr. Hoswell stated to the Board that upon investigation it was his judgment that the Planning staff, through a drafting error, incorrectly recommended to the Baltimore County Council in 1976 that this small portion of the subject property be zoned D.R. 3.5 instead of B.L.-C.N.S. Considering that the Council had before it in 1976 a recommendation based on erroneous data, it is the judgment of the Board that this portion of the subject property was zoned in error by the Council in 1976 and, therefore, the petition for reclassification will be granted. Order to this effect follows hereafter.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 9th day of October, 1979, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby GRANTED.

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Bureau of

Bureau of

Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Z jung Administration

Department of Traffic Engineering

State Roads Commission

County Office Building

Your Petition has been received and accepted for filing

Petitioner H. L. B. Joint Venture Petitioner's Attorney

Chairman, Zoning Plans

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

Mr. Barry Stern c/o H. L. B. Joint Venture 1220 East Joppa Road Towson, Maryland 21204

RE: Item No. 5 - Cycle V Petitioner - H. L. B. Joint Venture Reclassification Petition

May 10, 1979

Dear Mr. Stern:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on-site field inspection of the property. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

The subject of this petition is a . 32 acre parcel of ground which is zoned D.R. 3.5 and located to the rear of a tract of land improved with a retail store and accessory parking. The entire site is located on the southwest corner of Reisterstown Road and South Tollgate Poad, in the 4th Election District and is surrounded by a gas station to the south, along Reisterstown Road, and dwellings to the east immediately contiguous to the subject parcel. While not indicated on the submitted site plan, at the time of field inspection, a portion of this property was

on the submitted site plan, it is impossible for this Committee to make detailed comments concerning this petition. If said petition is granted, it should be emphasized that all applicable Baltimore County requirements must be satisfied. In keeping with this and prior to application for the necessary building permits, your surveyor should submit a preliminary plan of the proposed development to be reviewed by this Committee.

Item No. 5 - H. L. B. Joint Venture Page Two May 10, 1979

H L B Joint Ventures - #R-80-66

B-12 of the Maryland Rules of Procedure.

This petition for Reclassification will be accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be between September 1 and December 31, 1979, will be forwarded to you well in advance.

> NIC. OLAS B. COMMODARI Chairman

0

COUNTY BOARD OF APPEALS

Walter A. Reiter, Jr., Chairman

OF BALTIMORE COUNTY

William

Any appeal from this decision must be in accordance with Rules B-1 thru

Zoning Plans Advisory Committee

NBC/sf

cc: Hudkins Associates, Inc. 101 Shell Building 200 East Joppa Road Towson, Maryland 21204

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

FEBU / 1380 -

::::::

To the Hono.uple, Members of Said Board:

Pursuant to the authority contained in Section 524.1 of the Baltimore County

with theman

Mr. Barry Stern

c/o H. L. B. Joint Venture

Towson, Maryland 21204

1220 East Joppa Road

cc: Hudkins Associates, Inc. 101 Shell Building 200 East Joppa Road Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

111 W. Chesapeake Ave. Towson, Maryland 21204

this 16th day of May

S. ERIC DI NENNA Zoning Commissioner

Advisory Committee

being utilized for accessory parking.

Because the proposed use of the subject property was not indicated



THORNTON M. MOURING, P.E. DIRECTOR

May 2, 1979

Mr. S. Eric DiNenna Zoning Commissioner County Office Building Towson, Maryland 21204

> Re: Item #5 (Cycle V-April - October 1979) Property Owner: H L B Joint Venture S/W cor. Reisterstown Rd. & South Tollgate Rd. Existing Zoning: DR 3.5 Proposed Zoning: BL Acres: 3.831 District: 4th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #5 of Zoning Cycle V (April - October 1979).

ELISWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END: EAM: FWR: ss

T-SW Key Sheet 45 & 46 NW 32 Pos. Sheets NW 12 н Торо 58 Tax Map

office of planning and zoning TOWSON, MARYLAND 21204 (301) 494-3211

May 29, 1979

LESLIE H. GRAEF

Mr. Walter A. Reiter, Jr., Chairman Board of Appeals Room 219 - Court House Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #5, Zoning Cycle V, April 1979, are as follows:

Property Owner: H. L. B. Joint Venture Location: SW/C Reisterstown Road and South Tollgate Road Existing Zoning: D.R.3.5 Proposed Zoning: B.L. Acres: 3.831 District: 4th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comments.

Very truly yours,

John Zer unlikes

Planner III

Current Planning and Development

department of permits and licenses TOWSON, MARYLAND 21204 13011 494 3610 JOHN D. SEYFFERT

April 24, 1979

Mr. S. Eric DiNenna, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item # 5 Zoning Advisory Committee Meeting, Cycle V

Property Owner: H L B Joint Venture
Location: SWC Reisterstown Road & South Tollgate Road

Existing Zoning: D.R. 3.5 Proposed Zoning: B.L.

Districts

The items checked below are applicable:

X A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.

B. A building permit shall be required before construction can begin.

Change of occupancy & other miscellaneous

Co. Additional Permits shall be required.

X D. Building shall be upgraded to new use - requires alteration permit.

E. Three sets of construction drawings will be required to file an application for a building permit.

X F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original sealmay be required to file

G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department 1f distance is between 3'0" and 6'0"

H. Requested setback variance conflicts with the Raltimore County Building Code. See Section

X J. Comment: Plan shall be made to comply with Handicapped Code if use of structure is changed.

Maryland Department of Transpertation

James J. O'Donnell Secretary M. S. Caltrider Administrator

April 26, 1979

Mr. Walter A. Reiter, Jr. Chairman, Board of Appeals County Office Bldg. Towson, Maryland 21204

Re: Zoning Cycle V, April, 1979

Item #5. Property Owner: H L B Joint Venture Location: SW/C Reisterstown Rd, (Rte. 140) & South Tollgate Rd. Existing Zoning: D.R. 3.5 Proposed Zoning: B.L. Acres: 3.831

District: 4th

Dear Mr. Reiter:

The proposed zoning will have no adverse effects to the State Highway. The existing access from Reisterstown Rd. is acceptable.

Very truly yours,

Charles Lee, Chief Bureau of Engineering Access Permits

CL:jm:gf

By: John E. Meyers

Precil 5-1-79

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

My telephone number is (301) 383-4320

department of health TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H. DEPUTY STATE AND COUNTY HEALTH OFFICER

May 14, 1979

Mr. Walter Reiter, Chairman Board of Appeals Court House Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #5, Zoning Advisory Committee Meeting for Cycle V, are as follows:

> Property Owner: H L B Joint Venture SW/C Reisterstown Rd. & South Tollgate Rd. Location: Existing Zoning: D.R. 3.5 Proposed Zoning: B.L. 3.831 Acres: District: 4th

The Zoning Plan, as submitted, does not include enough information to enable the Baltimore County Department of Health to make complete comments.

Metropolitan water and sewer exist.

BUREAU OF ENVIRONMENTAL SERVICES

IJF/JPP/fth

baltimore county department of traffic engineering TOWSON, MARYLAND 2:204 (301) 494-3550

STEPHEN E. COLLINS DIRECTOR

May 3, 1979

Mr. Walter A. Reiter, Jr. Chairman, Board of Appeals Court House Towson, Maryland 21204

> Item No. 5 - ZAC - Cycle V Property Owner: H L B Joint Venture SW/C Reisterstown Rd. & South Tollgate Rd. Existing Zoning: D.R. 3.5

3.831 4th District:

Proposed Zoning: B.L.

Dear Mr. Reiter:

No change in traffic generation is expected by this reclassification.

But all A. The Michael S. Flanigan Engi eer Associate II

Very truly yours,

MSF/hmd

MSF/hmd

battimore county fire department TOWSON, MARYLA (301) 825-7310 TOWSON, MARYLAND 21204 (301) 825-7310

Paul H. Reincke

May 22, 1979

Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: N. Commodari, Chairman Zoning Advisory Committee

Ro: Property Owner: H L B Joint Venture

Location: SW/C Reisterstown Rd, & South Tollgate Rd.

Gentlemen:

Itam No. 5

Zoning Agenda Cycle V

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ______feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Morks.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EMCLIEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 5. Site plans are approved as drawn.

(x) 7. The Fire Provention Bureau has no comments, At this time. Noted and Xeorge M Weigand

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 30, 1979

Mr. S. Eric DiNenna Zoning Commissioner Baltimore County Office Building Towson, Maryland 21204

Z.A.C. Meeting of: Cycle V

RE: Item No: 5 Property Owner: H L B Joint Venture Iocation: SW/C Reisterstown Rd., & South Tollgate Rd. Present Zoning: D.R. 5.5 Proposed Zoning: B.L.

District: 4th No. Acres: 3.831

Dear Mr. DiNenna:

This parcel is located in the vicinity of the Owings Mills Jr.-Sr. High School and the Owings Mills Elementary School. The possibility exists that if this parcel is developed into the type of business that would be an inducement to pupils it could create problems for the schools effected.

> Very truly yours, Field Representative

WNP/bp

JOSEPH N. MIGGINAN. JOENT

T. BAYARD WILLIAMS, JR., VICE-PREBIDENT MRS LORRAINE F. CHIRCUS ROCLE B PAILEN

BOBLET F BUBBL, BOSENBERDERT

ALVIN LORECK MRS. MILTON R. SECTAL US. RICHARD W. TRACEY, D.V.M.

160011380 -

ATTACHMENT TO PETITION TO RECLASSIFY

FILED BY H L B JOINT VENTURE

Petitioner hereby respectfully petitions this Honorable Board to reclassify that strip (herein called the "DR 3.5 Str.p") of the Petitioner's Property (herein called the "Property) which is presently zoned DR 3.5 to a zoning classification of BL because the DR 3.5 Strip resulted from an error in drafting the 1976 Comprehensive Maps.

The Property is located at the southwest corner of Reisterstown Road at South Tollgate Road in Baltimore County, Maryland and contains 3.786 acres, more or less. The Property is improved by a stone building containing approximately 14,000 square feet and a large portion of the Property is paved for parking and loading. The store building is now being used for retail purposes and has been so used since on or about January, 1961. The majority of the DR 3.5 Strip is paved and has been used for parking and loading since on or about January, 1961 to accommodate the store building.

Except for the DR 3.5 Strip, the entire Property is zoned BL. Prior to the 1976 Comprehensive Maps, the entire Property (including the DR 3.5 Strip) was zoned BL. However, when the 1976 Comprehensive Maps were drafted, the zoning line, as a result of an error, failed to run along the boundary line of the Property thereby unadvertently creating the DR 3.5 Strip. It can not be disputed that:

- (a) The zoning line which runs across the Property thereby creating the DR 3.5 Strip is a drafting error.
- (b) It was the intention of the Office of Planning and Zoning, and the then owner of the Property that the entire Property was to be zoned BL.
- (c) No issues were raised prior to the adoption of the 1976 Comprehensive Maps because no one was aware of the error.
- (d) The DR 3.5 can not be used for any permitted use in a DR 3.5 zoning classification, nor did any one ever intend it to be so used.
- (e) The DR 3.5 Strip is an integral part of the Property and a majority of the DR 3.5 Strip is now being used and has been used since approximately January, 1961, as a paved parking and loading area to accomdate the store building. The store building is located within the BL zone of the Property.
- (f) The Office of Planning and Zoning is now aware of and recognize the error in drafting the zoning line on the 1976 Comprehensive Maps.

Page 2

- (g) The Baltimore County tax maps and tax records reflect the zoning of the entire Property as BL for use as a Shopping Center.
- (h) Unless the DR 3.5 Str p is reclassified to BL, the Petitioner will be caused great hardship and loss.
- For the aforegoing reasons, your Petitioner respectfully requests this Honorable Board to reclassify the DR 3.5 Strip to BL.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
October 9, 1979

H L B Joint Ventures c/o Mr. Barry Stern 1220 E. Joppa Road Towson, Md. 21204

> Re: Case No. R-80-66 H L B Joint Ventures

Duar Mr. Stern:

Enclosed herewith is a copy of the Order and Opinion passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith J. Cisenbart

Encl.

cc: People's Counsel
Mr. W. E. Hammond
Mr. J. E. Dyer

Mr. J. E. Dyer
Mr. J. D. Seyffert
Mr. J. G. Hoswell
Board of Education

COLUMBIA OFFICE
WALTER PARK
Registered Surveyor
PHONE 730.9060

TOWSON OFFICE

HUDKINS ASSOCIATES, INC.

Engineers, Surveyors and

Landscape Architects

200 East Joppa Road

Room 101. Shell Building

TOWSON, MARYLAND 21204

PHONE: 828-9060

BEL AIR OFE
L. GERALD W
Landscape Arc
PHONE 838.C

April 11, 1979 Revised April 20, 1979

ZONING DESCRIPTION:

Beginning for the same at the intersection of the southeast side of Reisterstown Road with the southernmost end of the 25 foot fillet connecting the said southeast side of Reisterstown Road with the east side of South Tollgate Road (120 feet wide) thence binding on the said east side of South Tollgate Road South 46 degrees 06 minutes 30 seconds West 333.97 feet thence South 39 degrees 11 minutes 54 seconds East 503.41 feet thence North 17 degrees 38 minutes 31 seconds East 181.19 feet thence South 65 degrees 17 minutes 39 seconds East 108,30 thence North 11 degrees 28 minutes 22 seconds East 101.61 feet thence North 29 degrees 16 minutes 22 seconds East 20.77 feet thence North 43 degrees 29 minutes 35 seconds Wes 143,33 feet thence North 46 degrees 30 minutes 25 seconds East 40.00 feet thence North 29 degrees 56 minutes 04 seconds East 75.03 feet to intersect the southeast side of Reisterstown Road binding on Reisterstown Road (66 feet wide) thence North 43 degrees 29 minutes 35 seconds West 263.23 feet thence South 46 degrees 30 minutes 25 seconds West 17.00 feet thence by a curve to the left having a radius of 25.00 feet for an arc length of 39.44 feet to the place of beginning.

Containing 3.79 acres of land more or less.

Saving and excepting that portion of the above described property currently zoned B.L., containing 3.47 acres of land more or less.

Page 2

Subject to a strip of land 17 feet wide along the tenth line of the

above described tract for the purpose of widening Reisterstown Road.

OF MARY

NE HOUSE

NO SHOULD BE HOUSE

NO SHOU

Malcolm E. Hudkins Registered Surveyor #5095 ITEM NO.5

PROPERTY OWNER: H L B Ventures
LOCATION: S/W corner of Reisterstown and South Tollgate Roads
ELECTION DISTRICT: 4

ACREAGE: 0.32

COUNCILMANIC DISTRICT: 3

GEOGRAPHICAL GROUP: None

RECOMMENDED DATE OF HEARING: Week of October 2, 1979
FUNCTIONAL CATEGORY: None

ZONING PRIOR TO ADOPTION OF 1976 COMPREHENSIVE ZONING MAP: D.R. 3.5 EXISTING ZONING: D.K. 3.5 REQUESTED ZONING: B.L.

PLANNING BOARD RECOMMENDATION: Retain Existing Zuning (D.R. 3.5)

This 0.32-acre parcel is the westernmost portion of a 3.8-acre property containing a retail store. To the west of the subject property upon which the zoning change is requested are single-family dwellings on D.R. 3.5 zoned land; to the north, similarly zoned residential properties.

Prior to the adoption of the 1976 Comprehensive Zoning Map, the subject property was zoned D.R. 3.5. The preparation and processing of this map covered a period of more than two years, the process was widely publicized, and included numerous public hearings by both the Planning Board and the County Council. B.L. zoning was not requested nor was the aforementioned zoning apposed for the subject property during the entire process. Now the petitioner is requesting a change from D.R. 3.5 to B.L. zoning and has chosen not to submit plans showing a specific use proposed for the property under petition.

The Planning Board believes that the existing zoning is appropriate and that the zoning map is correct. The Board's opinion takes cognizance of the fact that abutting properties are developed residentially and that approximately 90% of the entire 3.8-acre property is currently commercially zoned.

It is therefore recommended that the existing zoning, D.R. 3.5, be retained.

DR. IG DR. IG BL DR. IG BL DR. IG BRANCH BRA

LOCATION OF PROPERTY UNDER PETITION

BASE MAP 2C

SCALE 1" = 1000'

TITION IAP 2C 1000' CERTIFICATE OF POSTING
DEPARTMENT OF BALTIMORE COUNTY

Date of Posting

TOWSON, Maryland

Date of Posting

Detailed Fer Rechassification

ecitioner: H & B - TOINT VENTURES

Scation of property: Sw/c Reisterstown Rd & Scoth Tolkente Rend

Scation of Signs: S/S Scoth Tolkente Rd. 300'tor - Waf Reisterstown Ri

Signature Ducacci Da

1-5,0

No. 83161	et## 01-662	\$50.00	Inc. No. R-80-66	50.00%	TURE OF CASHIEN	No. 83221	01-662	\$31,9.68	or Case No. R-80-66	
SALTIMOPE COUNTY, MARYLAND SFICE OF FINE CASH RECEIPT	NATE_September 5, 1979 Account.	AMOUNT	RECEIVED Hudking Associates, Inc. FILLIG Fee for Case No. R-80-66	0 1887 8 4 8 2	VALIDATION ON SIGNATURE OF CASHIEN	SALTIMORE COUNTY, MARYLAND STEEL OF FEMALE REVENUE DIVISION AISCELLANDEN'S CASH RECEIPT	Octiber 5, 1979 ACCOUNT.	AMOUNT	ROW. Barry H. Stern.	

APR 24 79 PM

TO THE STATE OF TH

1200 1380 -

